

IN RE: PETITION FOR VARIANCE
W/S Baltimore Street, 250 +/-
S of centerline Georgia Avenue
13th Election District
1st Councilmanic District
(4216 Baltimore Street)

Rita E. Schiren
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 99-452-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for variance filed by the legal owner of the subject property, Rita Schiren and the contract purchaser, Thomas Diggs. The variance request is for property located at 4216 Baltimore Street, located in the Baltimore Highlands area of Baltimore County. The variance request is from Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a dwelling with a lot width of 50 ft. in lieu of the required 55 ft.

Appearing at the hearing on behalf of the request was Thomas Diggs, the contract purchaser. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.14 acres, more or less, and is zoned D.R.5.5. The subject property is an unimproved lot 50 feet in width and approximately 125 feet in depth. The subject property is owned by Mrs. Rita Schiren, who has owned this lot in excess of 20 years. Mrs. Schiren resides in the house located at the corner of Baltimore Street and Georgia Avenue and is now desirous of selling off several of the lots that she acquired many years ago. Mr. Diggs is desirous of constructing a home wherein he intends to reside. He has been a longtime resident of the Baltimore Highlands community and wishes to remain in that area of Baltimore County. In order to proceed with his plans a variance to allow a house to be built on a lot with a lot width of 50 feet is requested.

MAILED 7/14/99

Date

By R. Jamison

Baltimore Highlands is an old established community which was designed and developed in the 1920's. Many of the houses located within this community are built upon 50 foot lots. Some houses are even constructed on 40 foot lots. Therefore, the house to be constructed by Mr. Diggs is in character and keeping with the many other houses in the Baltimore Highlands community. Testimony further revealed that Mrs. Schiren is a widow, is up in years, and is having difficulty in maintaining these unimproved lots. Therefore, she is desirous of selling these two lots to Mr. Diggs.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and her property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

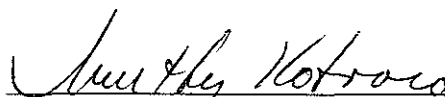
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

ORIGINAL RECEIVED FOR FILING
Date 7/2/99
By J.C. [Signature]

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 7th day of July, 1999, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a dwelling with a lot width of 50 ft. or on a lot with a width of 50 ft. in lieu of the required 55 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner may apply for the building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

YMK:raj

ORIGINAL RECEIVED FOR FILING

Date

7/7/99

By

JR. Gensson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

July 7, 1999

Mrs. Rita E. Schiren
4212 Baltimore Street
Baltimore, Maryland 21227

Re: Petition for Variance
Case No. 99-452-A
Property: 4216 Baltimore Street

Dear Ms. Schiren:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4216 Baltimore ST.
which is presently zoned DR-55

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 AND 309 DCZR, To PERMIT ADJWELLING ON A LOT WITH A WIDTH OF 50 FT. IN LIEU OF THE REQUIRED 55 FT

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

THOMAS M. DIGGS
Name - Type or Print

Name - Type or Print

Signature Thomas M. Lipp

Signature

300 ROOSEVELT AVE
Address Telephone No.

Address _____ Telephone No. _____

G.B. Md. 91061
City State Zip Code

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Case No. 99-452A

REV 9/15/98

Legal Owner(s):

RITA E-SCHAREN
Name - Type or Print

Name - Type or Print

+ Rita E Schuren
Signature

Signature

Name - Type or Print

Signature _____

4212 Baltimore ST. (40) 789-3953
Address Telephone No.

Address _____ Telephone No. _____

City Baltimore State md Zip Code 21227

City _____ State _____ Zip Code _____

Representative to be Contacted:

MARCY MILLER - OFF-ERA
Name

Name

529 S Camp Meade Rd. 691-1111
Address Telephone No.

Address _____ Telephone No. _____

City BAB. State Md. Zip Code 21090

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING
Reviewed By JCM Date 5-13-99

Reviewed By SCM Date 5-13-99

STARTING ON THE NORTH CORNER OF
BALTIMORE STREET AND GEORGIA AVE.
R/W 50 FEET 26 FEET OF PAVING
STARTING AT A PIPE MARKER HEADING
SOUTH 105 FEET TO START OF SAID
PROPERTY BEING 50 FEET IN WIDTH
AND 125 FEET IN LENGTH. KNOW AS
LOTS 89 & 90 IN THE SUBDIVISION
OF BALTIMORE HIGHLANDS, AS RECORDED
IN THE BALTIMORE COUNTY PLATBOOK #2
FOLIO 379, CONTAINING 6,250 SQ FEET.
ALSO KNOW AS 4212 BALTIMORE STREET
AND LOCATED IN THE 13TH ELECTION DISTRICT
15TH COUNCILLMANIC DISTRICT.

452

99.452-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

452

No.

067380

DATE 5.13.99 ACCOUNT Pool - 6150

AMOUNT \$ 50.00

RECEIVED FROM: T. DIGGS

Baltimore

FOR: (old) CAR.

FOR:

99-452-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Sum

CASHIER'S VALIDATION

PAID RECEIPT

PROCESS ACTUAL TIME
5/14/1999 5/13/1999 15:22:23
REG 1502 CASHIER LSN1 LXS DRAWER 2
Dept 5 520 ZONING VERIFICATION
Receipt # 093295
CR NO. 067380
Receipt Tot 50.00
.00 CR 50.00
Baltimore County, Maryland

NOTICE OF HEARING
and
and

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #98-452-A
4216 Baltimore Street
W/S Baltimore Street, 250' +/-
S of Capitalina Georgia Avenue
13th Election District
1st Courtland District
Legal Owner(s):
Rita E. Schren
Contract Purchaser:
Thomas M. Diggs
Variance: to permit a dwelling on a lot with a width of 50 feet in lieu of the required 85 feet.
Hearing: Monday, June 28, 1999 at 2:00 p.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing Contact the Zoning Review Office at (410) 887-3391.
8/17/94 June 10 C318101

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6-10, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6-10, 1999.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

or

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 452

Petitioner: THOMAS M. Diggs

Address or Location: 4216 BALTIMORE ST.

PLEASE FORWARD ADVERTISING BILL TO:

Name: THOMAS M. Diggs

Address: 300 ROOSEVELT AVE

GA. MD. 21061

Telephone Number: (410) 761-1028

Revised 2/20/98 - SCJ

99.452-A



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 28, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-452-A
4216 Baltimore Street
W/S Baltimore Street, 250' +/- S of centerline Georgia Avenue
13th Election District – 1st Councilmanic District
Legal Owner: Rita E. Schiren
Contract Purchaser: Thomas M. diggs

Variance to permit a dwelling on a lot with a width of 50 feet in lieu of the required 55 feet.

HEARING: Monday, June 28, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

c: Rita E. Schiren
Thomas M. Diggs
Marcy Miller

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JUNE 13, 1999.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

Come visit the County's Website at www.co.ba.md.us



TO: PATUXENT PUBLISHING COMPANY
June 10, 1999 Issue – Jeffersonian

Please forward billing to:

Thomas M. Diggs
300 Roosevelt Avenue
Glen Burnie, MD 21061

410-761-1028

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-452-A

4216 Baltimore Street

W/S Baltimore Street, 250' +/- S of centerline Georgia Avenue

13th Election District – 1st Councilmanic District

Legal Owner: Rita E. Schiren

Contract Purchaser: Thomas M. diggs

Variance to permit a dwelling on a lot with a width of 50 feet in lieu of the required 55 feet.

HEARING: Monday, June 28, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE
4216 Baltimore Street, W/S Baltimore St,
250' +/- S of c/l Georgia Ave
13th Election District, 1st Councilmanic

Legal Owner: Rita E. Schiren
Contract Purchaser: Thomas M. Diggs
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 99-452-A

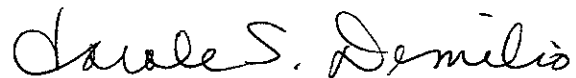
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of June, 1999 a copy of the foregoing Entry of Appearance was mailed to Marcey Miller, 529 S. Camp Meade Road, Linthicum Heights, MD 21090, representative for Petitioners.



PETER MAX ZIMMERMAN

*Jim
6/28*

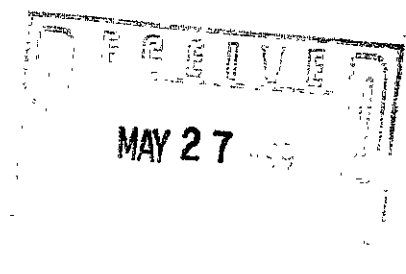
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

DATE: May 26, 1999

SUBJECT: 4214 and 4216 Baltimore Avenue
INFORMATION:



Item Number: 451 and 452
Petitioner: Rita Schiren
Property Size: lot 87 & 88 – 6250 sq.ft. lot 89 & 90 – 6250 sq.ft.
Zoning: DR 5.5
Requested Action:
Hearing Date:

The requested Variances involve a series of undersized lots in the Baltimore Highlands area. The owner has an existing house, located on lots 85 & 86, known as 4212 Baltimore Avenue. This property has a total width of 55 feet and an area of 6875 square feet which meets the lot width and area requirements for the DR 5.5 zone. She also owns contiguous lots 87, 88, 89, and 90 ;each has a lot width of 25 feet. Lots 87 & 88, 50 feet by 125 feet are under contract for purchase by Gilbert M. France while lots 89 & 90, 50 feet by 125 feet are under contract for purchase by Thomas Diggs. The applicant has submitted a request for undersized lot review and for a variance from Section 1B02.3C.1 and Section 304 of the Baltimore County Zoning Regulations to permit a lot width of 50 feet in lieu of the required 55 feet.

SUMMARY OF RECOMMENDATIONS:

1. The properties in question, lots 87,88,89, and 90 do not appear to meet the requirements of Section 304.1.C. of the Baltimore County Zoning Regulations which states " The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements."
2. The Zoning Commissioner should determine if the applicant can demonstrate hardship or practical difficulty to meet the burdens of proof for granting a lot width of 50 feet in lieu of the required 55 feet for one proposed dwelling on lots 87 & 88, and one on lots 89 & 90.

Section Chief:

[Handwritten signature]

AFK:

*Butt
I don't see
a set yet
Held till case
scheduled +
sent to us.
JFK
6/1/99*

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

6/4/99

TO: Director, Office of Planning & Community Conservation
Attention: Jeffrey Long
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Permit or Case No. _____

FROM: Arnold Jablon, Director
Department of Permits & Development Management

RE: Undersized Lots

Residential Processing Fee Paid
(\$50.00)

Accepted by _____
Date _____

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

THOMAS M Diggs 300 ROSEAUET AVE (410) 761-1028
Print Name of Applicant Address Telephone Number

4216 Lot Address 4212 BALTIMORE ST. 89 + 90 Election District 13 Councilmanic District 1 Square Feet 6250

Lot Location: NE S W/side/corner of BALTIMORE ST. AND GEORGIA AVE 105' feet from NE S W corner of ILLINOIS AVE
(street) (street)

Land Owner: RITA SCHIREN Tax Account Number 1308001465

Address: 4212 BALTIMORE STREET Telephone Number (410) 789-3953

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!
PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Permit Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Property (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Topo Map (2 copies): available in Room 206, County Office Building - (please label site clearly)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Building Elevation Drawings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Photographs (please label all photos clearly)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Adjoining Buildings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Surrounding Neighborhood	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Current Zoning Classification: <u>DRS-5</u>		

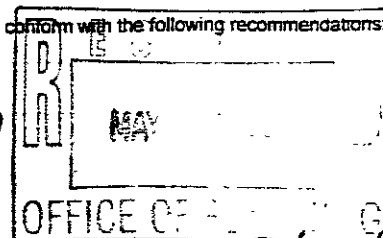
TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations:

Hold pending outcome of the hearings. (Item Nos. 451 & 452) 99-452A

Signed by: Jeffrey W. Long
for the Director, Office of Planning and Community Conservation



Date: 5/26/99

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

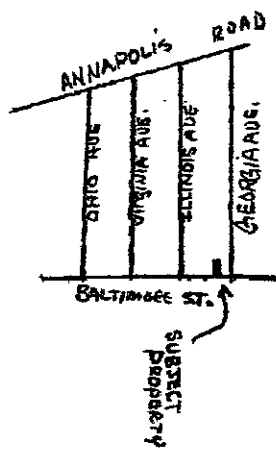
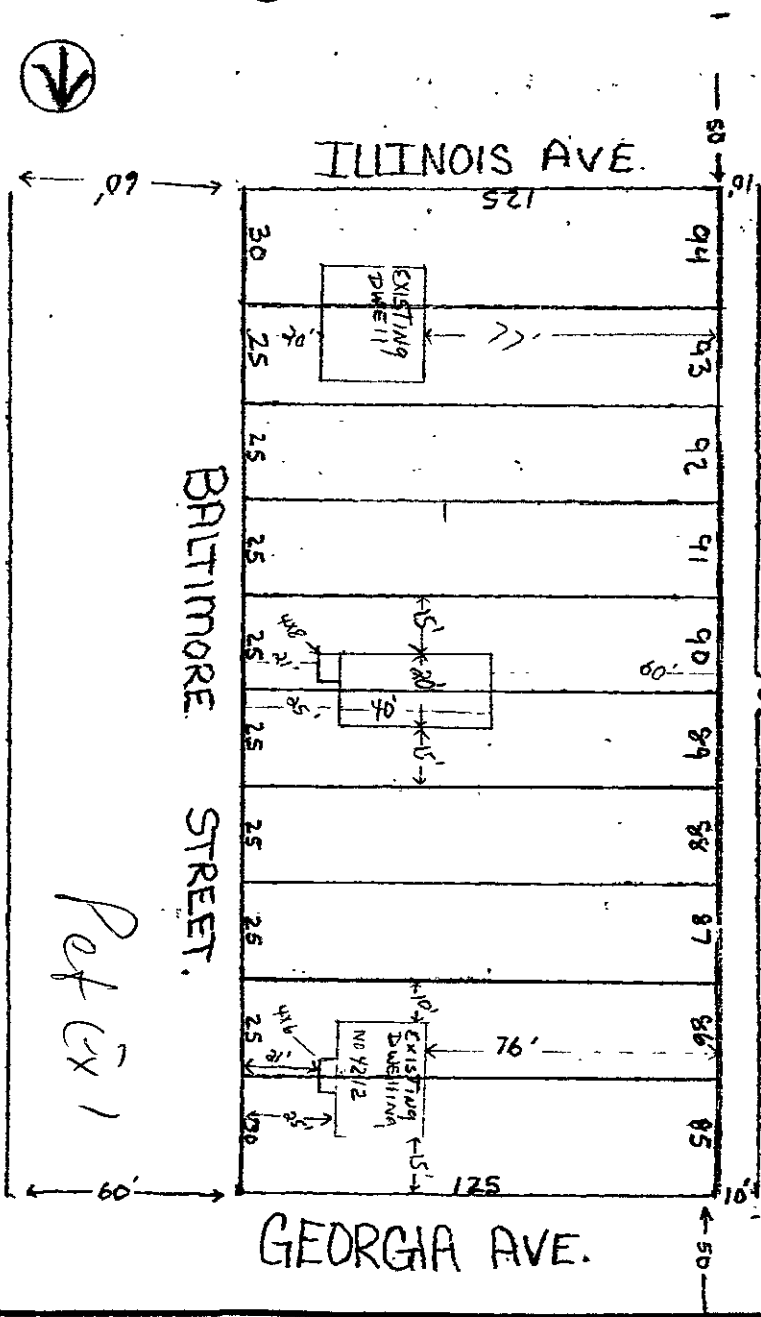
PROPERTY ADDRESS: 4216 BALTIMORE STREET.

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: BALTIMORE HIGHLANDS

plat book # 2, folio # 378, lot # , section # C

OWNER: RITA E SCHAREN



LOCATION INFORMATION

Election District: 13

Councilmanic District: 1

1"=200' scale map: SW8A

Zoning: DR.5.5.

Lot size: .14 acreage 6250 square feet

Public Private
SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ ☒
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

SWA 452

99.452-A